

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3201 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

V.P. BAROT

Versus

SUPERINTENDENT OF POLICE

Appearance:

MR BP GUPTA for MR YN OZA for Petitioner

MR SP HASURKAR for Respondent No. 1, 2, 3, 4, 5

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/09/2000

ORAL JUDGEMENT

1. By this petition under Article 226 of the Constitution, the petitioner a Police Sub-Inspector, Police Department of the Government of Gujarat is challenging the order of the respondent- Director General of Police, Government of Gujarat dated 9-6-1987 under which he declined to expunge the adverse remarks communicated to the petitioner for the year 1985-86 vide letter dated 2-12-1986.

2. Learned counsel for the petitioner raised manifold contentions on the merits of the matter, but at

this stage, as no cause of action has accrued to the petitioner to challenge these adverse remarks as well as the order passed on representation filed against the same by the Director General of Police, Ahmedabad, this petition is not maintainable, I do not consider it necessary to mention and deal with each and every argument made by the learned counsel for the petitioner.

3. Learned counsel for the petitioner does not dispute that relying on these adverse remarks communicated to the petitioner for the year 1985-86, the respondents have not passed any order adversely affecting any of the service conditions of the petitioner. The adverse remarks, as such, have no adverse effect on any of the service conditions of the petitioner. However, relying on these adverse remarks, the respondents can pass order of withholding of efficiency bar or withholding of promotion or the petitioner may be ordered to be compulsorily retired etc. but the cause of action to challenge these adverse remarks will accrue only when some order adversely affecting any of the service conditions of the petitioner has been passed relying on these adverse remarks. While challenging that order, the petitioner is free to challenge this order of the respondents also and can pray for expunging of the adverse remarks.

4. Only on this ground, this petition is dismissed.
Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

zgs/-